

Terms of reference (ToRs) for the procurement of services below the EU threshold

Technical Application Guidelines for Implementation, Monitoring and Verification of the Regulations for Mandatory Display and Submission of Energy Performance Certificates for Buildings	Project number/ cost centre: 18.9022.7-004.00
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0. List of abbreviations

AG	Commissioning party
AN	Contractor
AVB	General Terms and Conditions of Contract for supplying services and work
FK	Expert
FKT	Expert days
KZFK	Short-term expert
ToRs	Terms of reference

1. Context

The Regulations for the Mandatory Display and Submission of Energy Performance Certificates (EPCs) for Buildings were promulgated by the Minister of Mineral Resources and Energy in Notice 700 of Government Gazette 43792, on 8 December 2020 covering four (4) categories of buildings. The Regulations require a building owner to appoint a South African National Accredited System (SANAS) accredited inspection body for building energy performance assessments and issuing of the EPCs to be displayed publicly at the entrance of the buildings and submitted to the National Building Energy Performance Register (NBEPR) within three (3) months after being issued. The Minister of Mineral Resources and Energy has since amended the compliance deadline of the Regulations to 7 December 2025.

As per the Regulations, energy performance is graded from A to G, with A being the most energy efficient and G the least efficient and is measured in terms of kilowatt hours per square meter, per annum (kWh/m²/pa) of net floor area in accordance with SANS 1544:2014.

The main objective of the Regulations is to gain access to accurate and reliable building energy data, to support government initiatives in the areas of energy efficiency monitoring, and related greenhouse gas (GHG) emissions obligations, and to ultimately encourage building owners to improve the energy performance of their buildings and aspire to eventually receiving an A-rating for those facilities. The regulations apply to non-residential buildings with a net floor area of at least 2000 m² in the private sector, and 1000 m² for buildings owned, operated or occupied by an organ of the state. Once issued, the EPC will be valid for five years, and the monitoring of the display of the EPCs will be carried out by the Department of Mineral Resources and Energy (DMRE) or a representative appointed by the Department.

It is against this background that the South African - German Energy Partnership, on behalf of the DMRE would like to appoint competent consultant(s) to develop the Technical Application Guidelines for the purpose of implementing, monitoring and verification of Regulations for Mandatory Display and Submission of EPCs for buildings. The Technical Application Guidelines will describe the process that will be followed to conduct buildings energy performance assessments in line with appropriate South African National Standards, monitoring and verification of the EPCs being issued by Inspection Bodies and displayed by building owners. These Guidelines will be applicable to the four (4) classification of building categories namely: **A1**: Entertainment and public assembly; **A2**: Theatrical and indoor sport; **A3**: Places of instruction; and **G1**: Offices as stipulated in the Regulations.

The purpose of the Technical Application Guidelines is to support the implementation, monitoring and verification of the Regulations for Mandatory Display and Submission of EPCs for buildings in South Africa. The Technical Application Guidelines will provide direction to EPC Inspection Bodies, Building Owners, SANEDI and DMRE on the implementation, monitoring and verification process for building energy performance assessments, issuing and display of EPCs for buildings.

More specifically the objectives of the Technical Application Guidelines will be to provide:

- An outline of the compliance monitoring and verification structure of the issued and displayed EPCs.
- DMRE/SANEDI's responsibilities, and internal reviews, compliance monitoring and verification process that will be followed.
- EPC Inspection Bodies' and Building Owners' responsibilities.
- Step-by-step process on registration of buildings, data gathering and energy performance assessments of buildings, issuing and submission of EPCs.

- Important considerations for all role players during the implementation, monitoring and verification process.
- Support the development of step-by-step application of SANAS 1544:2014 and SANS 10400-XA -2021 by the EPC Technical Committee.

2. Tasks to be performed by the contractor

The contractor is responsible for providing the following services:

a) Inception phase (10-days)

- i. Prepare for and attend kick-off meeting (to be defined whether virtual or physical) with GIZ, DMRE and possibly SANEDI to present the proposed methodology and align on project execution.
- ii. Prepare and submit an inception report confirming the methodology with clear milestones to be followed in the development of the Technical Application Guidelines, stakeholders to be consulted and frequency of the stakeholder consultation meetings/workshops.

b) Implementation phase (60-days)

- iii. Develop and submit an outline of the Technical Application Guidelines with description of each section, including among others, roles and responsibilities of each party involved, data collection, energy performance assessments of buildings and submission of EPCs and data, DMRE/SANEDI review and quality control, and monitoring and verification process.
- iv. Prepare and submit the proposed step-by-step application of SANAS 1544:2014 and SANS 10400-XA -2021 in support of the EPC Technical Committee process.
- v. The Guidelines should also include a summary of the process flow illustrating the key sections and/or steps in graphics.
- vi. Organize and facilitate four (4) stakeholder engagements (workshops and focus groups) with key industry experts. One of these focus groups should be the EPC Technical Committee that will be developing the step-by-step application of SANAS 1544:2014 and SANS 10400-XA -2021.

c) Final submission phase (20-days)

- vii. Prepare and submit the draft Technical Application Guidelines as per the requirements listed on (b) above.
- viii. Prepare and submit the final step-by-step application of SANAS 1544:2014 and SANS 10400-XA -2021 in support of the EPC Technical Committee process.
- ix. Submit stakeholder consultation report with relevant industry role players and interested institutions.
- x. Prepare a PowerPoint presentation that contains the main sections of the Technical Application Guidelines and present these to GIZ, DMRE and possibly SANEDI.
- xi. Based on feedback received on the draft Technical Application Guidelines, compile and submit final Guidelines. Data must be provided in Microsoft programmes, in this case MS Word. Note that all publications must adhere to GIZ corporate design standards.

Certain milestones, as laid out in the table below, are to be achieved during the contract term:

Milestones/process steps/partial services	Deadline/place/person responsible
Develop and present a methodology with clear milestones to be followed as per 2(a) including participating in the kick-off meeting.	Second week of May 2023
Develop inception report that confirms the methodology incorporating key decisions coming out of the kick-off meeting.	26 May 2023
Develop and submit an outline of the Technical Application Guidelines as per 2(b).	09 June 2023
Prepare, submit, and present the draft Technical Application Guidelines	15 August 2023
Prepare and submit the final Technical Application Guidelines	30 August 2023

Period of assignment: from 01 May 2023 until 30 October 2023

3. Concept

In the tender, the tenderer is required to show *how* the objectives defined in Chapter 0 (Tasks to be performed) are to be achieved, if applicable under consideration of further method-related requirements (technical-methodological concept). In addition, the tenderer must describe the project management system for service provision.

Technical-methodological concept

Strategy (1.1): The tenderer is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see Chapter 1 Context) (1.1.1). Following this, the tenderer presents and justifies the explicit strategy with which it intends to provide the services for which it is responsible (see Chapter 0 Tasks to be performed) (1.1.2).

The tenderer is required to present the actors relevant for the services for which it is responsible and describe the **cooperation (1.2)** with them.

The tenderer is required to present and explain its approach to **steering** the measures with the project partners (1.3.1) and its contribution to the **results-based monitoring system** (1.3.2).

The tenderer is required to describe the key **processes** for the services for which it is responsible and create an **operational plan** or schedule (1.4.1) that describes how the services according to Chapter 0 (Tasks to be performed by the contractor) are to be provided. In particular, the tenderer is required to describe the necessary work steps and, if applicable, take account of the milestones and **contributions** of other actors (partner contributions) in accordance with Chapter 2 (Tasks to be performed) (1.4.2).

The tenderer is required to describe its contribution to knowledge management for the partner (1.5.1) and GIZ and to promote scaling-up effects (1.5.2) under **learning and innovation**.

Project management of the contractor (1.6)

The tenderer is required to explain its approach for coordination with the GIZ project. In particular, the project management requirements specified in Chapter 2 (Tasks to be performed by the contractor) must be explained in detail.

Further requirements (1.7)

The tenderer is required to list three (3) reference projects that it has completed that are similar to the scope of these terms of reference.

4. Personnel concept

The tenderer is required to provide personnel who are suited to filling the positions described, on the basis of their CVs (see Chapter 7), the range of tasks involved and the required qualifications.

The below specified qualifications represent the requirements to reach the maximum number of points in the technical assessment.

Team leader

Tasks of the team leader

- Overall responsibility for the advisory packages of the contractor (quality and deadlines).
- Coordinating and ensuring communication with GIZ, partners and others involved in the project.
- Overall responsibility for regular reporting in accordance with deadlines.
- Personnel management in particular, identifying the need for short-term assignments within the available budget, as well as planning and steering assignments and supporting local and international short-term experts.
- Input into design of project methodology and data collection instruments.
- Support data collection and analysis process.
- Support the compilation of the final report, and overall responsibility for the delivery of all outputs associated with the contract.

Qualifications of the team leader

- Education/training (2.1.1): university degree (Bachelor Honours degree /B Tech degree) in energy studies, environmental sciences or related field
- Language (2.1.2): Good business language skills in English (Level C1)
- General professional experience (2.1.3): 10-years of professional experience in the energy sector
- Specific professional experience (2.1.4): 5-years in the development of technical guidelines for energy related projects
- Leadership/management experience (2.1.5): 5-years of management/leadership experience as project team leader or manager in a company
- Regional experience (2.1.6): 2-years of working experience in South Africa
- Development cooperation (DC) experience (2.1.7): none

- Other (2.1.8): 2-years of experience in business analysis activities (e.g. research, data analytics, report writing and project management) in the energy sector

Key expert 1

Tasks of key expert 1

- At the discretion of the team leader, participate in regular meetings with GIZ and partners.
- Undertake data collection and analysis.
- Support the compilation of the final report and supporting documentation.

Qualifications of key expert 1

- Education/training (2.2.1): university degree (Bachelor's Degree) in energy studies, environmental law or related field
- Language (2.2.2): Good business language skills in English (Level C1)
- General professional experience (2.2.3): 7-years in the energy sector
- Specific professional experience (2.2.4): 3-years in the development of technical guidelines related to the energy sector
- Leadership/management experience (2.2.5): none
- Regional experience (2.2.6): 2-years of working experience in South Africa
- Development Cooperation (DC) experience (2.2.7): none
- Other (2.2.8): none

Soft skills of team members

In addition to their specialist qualifications, the following qualifications are required of team members:

- Team skills
- Initiative
- Communication skills
- Socio-cultural skills
- Efficient, partner- and client-focused working methods
- Interdisciplinary thinking

5. Costing requirements

Assignment of personnel and travel expenses

Team leader:

Key expert:

90 days for all experts combined.

Travel

The bidder is required to calculate the travel by the specified experts and the experts it has proposed based on the places of performance stipulated in Chapter 0 and list the expenses separately by daily allowance, accommodation expenses, flight costs and other travel expenses.

- Flight costs – up to 4 flights
- Accommodation – up to 10 nights
- Car Hire – up to 5 days
- Mileage – up to 3000 kilometres
- Per Diem – up to 10 days

Accommodation costs which exceed this up to a reasonable amount and the cost of flights and other main forms of transport can be reimbursed against evidence.

All business travel must be agreed in advance by the officer responsible for the project.

Sustainability aspects for travel

GIZ would like to reduce greenhouse gas emissions (CO₂ emissions) caused by travel. When preparing your tender, please incorporate options for reducing emissions, such as selecting the lowest-emission booking class (economy) and using means of transport, airlines and flight routes with a higher CO₂ efficiency. For short distances, travel by train (second class) or e-mobility should be the preferred option.

If they cannot be avoided, CO₂ emissions caused by air travel should be offset. GIZ specifies a budget for this, through which the carbon offsets can be settled against evidence.

There are many different providers in the market for emissions certificates, and they have different climate impact ambitions. The Development and Climate Alliance (German only) has published a list of standards (German only). GIZ recommends using the standards specified there.

Workshops and training

In relation to Task 2(b)(v) the tenderer is not expected to incur any costs related to organizing and hosting the workshops. GIZ and DMRE will cover the costs associated with the workshops. The tenderer shall be responsible for identifying the dates, develop the content and facilitate the workshops.

Flexible remuneration item

Up to 10% flexible remuneration of the expected contract value. Note that the use of the flexible remuneration is subject to approval by the GIZ and can only be used in support of activities outlined in these terms of reference (ToR).

6. Inputs of GIZ or other actors

None

7. Requirements on the format of the tender

The structure of the tender must correspond to the structure of the ToRs. In particular, the detailed structure of the concept (Chapter 3) should be organised in accordance with the

positively weighted criteria in the assessment grid (not with zero). The tender must be legible (font size 11 or larger) and clearly formulated. It must be drawn up in English.

The complete tender must not exceed 10 pages (excluding CVs). If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The CVs of the personnel proposed in accordance with Chapter 4 of the ToRs must be submitted using the format specified in the terms and conditions for application. The CVs shall not exceed 4 pages each. They must clearly show the position and job the proposed person held in the reference project and for how long. The CVs can also be submitted in English.

Please calculate your financial tender based exactly on the parameters specified in Chapter 5 Quantitative requirements. The contractor is not contractually entitled to use up the days, trips, workshops or budgets in full. The number of days, trips and workshops and the budgets will be contractually agreed as maximum limits. The specifications for pricing are defined in the price schedule.

8. Other Requirements

- Please submit your proposal (technical and price proposal) in separate files/folder to ZA_Quotation@giz.de no later than **14 April 2023** all documents must be in PDF.
- Please do not mention any price for this measure on your cover letter/Technical proposal.
- Please submit your tax clearance certificate with the bidding documents.
- **Flexible Remuneration to be included in the Budget.**
- Please submit your price proposal in ZAR.
- Our General Terms of Conditions (attached) shall not be changed/amended should you be the winner of this tender. These General Terms and Conditions will form part of the contract should you be awarded this contract. By submitting your proposal, we will conclude that you have read and accepted these terms and conditions.
- Participating more than once in same tender is not allowed and it will lead to your proposal as well as that of the company where you appear more than once being disqualified. The responsibility rests with the companies to ensure that their partners/experts are not bidding/participating more than once in same tender.
- **Bidders are not allowed to communicate directly with any other person regarding this bid other than the procurement official/s. Failure to comply with this requirement may lead to your bid being disqualified.**
- Bidders must strictly avoid conflicts with other assignments or their own interests. Bidders found to have a conflict of interest shall be disqualified. Without limitation on the generality of the above, Bidders, and any of their affiliates, shall be considered to have a conflict of interest with one or more parties in this EOI and tender process, if they:

- a) are or have been associated in the past, with a firm or any of its affiliates which have been engaged by GIZ or the Interim Supply Chain Management Council to provide services for the preparation of the design, specifications, Terms of Reference, cost analysis/estimation, and other documents to be used for the procurement of the services in this selection process;
- b) were involved in the preparation and/or design of the programme/project related to the services requested under this EOI and tender;
- c) are serving or have been serving in the past three months in the structures of the Interim Supply Chain Management; or
- d) are found to be in conflict for any other reason, as may be established by, or at the discretion of GIZ.

Scientific data

In the event of any uncertainty in the interpretation of a potential conflict of interest, Bidders must disclose to GIZ, and seek GIZ's confirmation on whether or not such a conflict exists.

- Similarly, the Bidders must disclose in their proposal their knowledge of the following:
 - a) if the owners, part-owners, officers, directors, controlling shareholders, of the bidding entity or key personnel are family members of GIZ staff involved in the procurement functions and/or the Interim SCM Council or any Implementing partner receiving services under this EOI or tender; and
 - b) all other circumstances that could potentially lead to actual or perceived conflict of interest, collusion or unfair competition practices.
- **Failure to disclose such an information may result in the rejection of the proposal or proposals affected by the non-disclosure.**
- **Questions & Answers will be placed on the link provided.**